

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NUEMI RUIZ

Plaintiff.

v.

GC SERVICES, L.P.

Defendant.

CIVIL ACTION NO.

4-16CV-890-0

TRIAL BY JURY DEMANDED

ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff Nuemi Ruiz, complains of GC Services, L.P. Defendant, and for cause of action would respectfully show as follows:

PRELIMINARY STATEMENT

1. This is an action for damages brought by Plaintiff Nuemi Ruiz against Defendant GC Services, L.P. for violations of the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227(b)(1)(A)(iii).
2. Defendant called Plaintiffs' cellular telephone number using an automated telephone dialing system and should be fully aware that Defendant had no prior express or implied consent to call the cellular telephone. Plaintiff informed Defendant to stop calling at least eight separate times. Defendant continued to call Plaintiff's cellular phone.

JURISDICTION AND VENUE

3. Jurisdiction of this Court arises under 47 U.S.C. §227(b)(3).
4. This Court has jurisdiction over Defendant pursuant to 28 U.S.C. §1391b because Defendant engages in business within this state, to wit debt collection.
5. Venue is proper pursuant to 28 U.S.C. §1391b and 47 U.S.C. §227(b)(3) .
6. Venue in the Northern District of Texas, Fort Worth Division is proper in that the Plaintiff resides in State of Texas, Tarrant County, City of Fort Worth, the Defendant transacts business here, and the conduct complained of occurred here.

PARTIES

7. The Plaintiff in this lawsuit is Nuemi Ruiz, (Ms. Ruiz) a natural person and a citizen of Tarrant County, Texas.
8. Defendant in this lawsuit is GC Services, L.P. (herein after “GC Services”) a company with principal office at 6330 Gulfion St., Houston, TX 77081.
9. GC Services may be served with process by serving its registered agent for service of process: C T Corporation System, 1999 Bryan St., Ste 900, Dallas, TX 75201.

FACTUAL ALLEGATIONS

10. The cellular telephone number (214) 773-4551 is assigned to Ms. Ruiz at all times in question.
11. The following telephone numbers are assigned to GC Services:
 1. (214) 666-6802
 2. (214) 666-6812
12. GC Services called Ms. Ruiz cellular telephone number on the following dates and times:

1. January 18, 2016 at 01:19 p.m.	13. February 22, 2016 at 01:44 p.m.
2. January 21, 2016 at 10:48 a.m.	14. February 22, 2016 at 07:00 p.m.
3. January 26, 2016 at 05:12 p.m.	15. February 25, 2016 at 02:43 p.m.
4. January 29, 2016 at 10:22 a.m.	16. February 29, 2016 at 12:23 p.m.
5. January 29, 2016 at 12:49 p.m.	17. February 29, 2016 at 04:09 p.m.
6. February 01, 2016 at 11:42 a.m.	18. March 03, 2016 at 10:39 a.m.
7. February 04, 2016 at 11:18 a.m.	19. March 03, 2016 at 01:00 p.m.
8. February 08, 2016 at 02:37 p.m.	20. March 08, 2016 at 01:15 p.m.
9. February 11, 2016 at 10:18 a.m.	21. March 10, 2016 at 02:36 p.m.
10. February 15, 2016 at 02:53 p.m.	22. March 15, 2016 at 01:21 p.m.
11. February 18, 2016 at 12:46 p.m.	23. March 18, 2016 at 11:32 a.m.
12. February 18, 2016 at 05:40 p.m.	24. March 31, 2016 at 12:06 p.m.
13. On January 18, 2016 at 01:19 p.m., Ms. Ruiz received a phone call from (214) 666-6802 and there was a period of silence before the representative came on the line. Ms. Ruiz informed the representative to stop calling.
14. Ms. Ruiz received numerous phone calls from GC Services. Each time Ms. Ruiz answered the telephone call there was a long period of silence before a representative would come on the line at which time was informed to stop calling.
15. Ms. Ruiz informed GC Services to stop calling on the following dates and times:

1. January 18, 2016 at 01:19 p.m.	6. March 10, 2016 at 02:36 p.m.
2. January 21, 2016 at 10:48 a.m.	7. March 18, 2016 at 11:32 a.m.
3. February 11, 2016 at 10:18 a.m.	8. March 21, 2016 at 12:06 p.m.
4. February 18, 2016 at 12:46 p.m.	
5. February 18, 2016 at 05:40 p.m.	

16. Ms. Ruiz verbally informed GC Services eight separate times to stop calling. Despite eight separate requests to GC Services to stop calling, Ms. Ruiz received additional telephone calls.
17. Upon information and good faith belief, the telephone calls identified above were placed to Ms. Ruiz wireless phone number using an automatic telephone dialing system (ATDS) as defined by the Federal Communications Commission (FCC).
18. Upon information and belief, Ms. Ruiz received additional calls to her cellular phone from GC Services that she was not able to document. Ms. Ruiz intends to obtain the phone records of GC Services through the discovery process.
19. Upon information and belief, GC Services placed the calls to Ms. Ruiz wireless telephone number voluntarily.
20. Upon information and belief, GC Services placed the calls to Ms. Ruiz wireless telephone number under its own free will.
21. Upon information and belief, GC Services had knowledge that it was using an automatic telephone dialing system to place each of the telephone calls identified above.
22. Upon information and belief, GC Services intended to use an automatic telephone dialing system to place each of the telephone calls.
23. Upon information and belief, GC Services maintains business records that show all calls placed by GC Services to Ms. Ruiz cellular telephone number.
24. GC Services called Ms. Ruiz cellular phone for a non-emergency purpose.
25. Ms. Ruiz has no prior or present established relationship with GC Services.

26. GC Services used an automatic telephone dialing system to dial Ms. Ruiz cellular telephone from phone numbers as defined by the Telephone Consumer Protection Act, 47 U.S.C. §227(a)(1).
27. The acts alleged herein all took place in Tarrant County, Texas in that the communications were received there.

COUNT I

**VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. §227(b)(1)(A) BY DEFENDANT GC SERVICES, L.P.**

28. Paragraphs 1 through 27 are re-alleged as though fully set forth herein.
29. Ms. Ruiz and GC Services do not have an established business relationship within the meaning of 47 U.S.C. §227(a)(2).
30. GC Services called Ms. Ruiz cellular telephone using an “automatic telephone dialing system” within the meaning of 47 U.S.C. §227(a)(1).
31. In each telephone communication referenced in ¶12 and ¶15, GC Services has demonstrated willful or knowing non-compliance with 47 U.S.C. § 227 (b)(1)(A) by using an automatic telephone dialing system or used a telephone dialing system that has the *capacity* to automatically call Ms. Ruiz cellular telephone number, which is assigned to a cellular telephone service *with no prior express consent* and for *no emergency purpose*.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

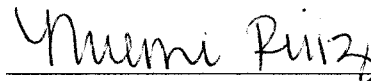
- a) Adjudging that Defendant violated the Telephone Consumer Protection Act and/or admission from the Defendant(s) that they violated the Telephone Consumer Protection Act;
- b) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C §227(b)(3)(B); which states in part: an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater.
- c) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C §227(b)(3)(C); which states in part: If the Court finds that the Defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the Court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 (three) times the amount available under subparagraph (B) of this paragraph.
- d) Awarding such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff is entitled to and hereby demands trial by jury.

Dated: September 22, 2016

Respectfully Submitted,



Nuemi Ruiz
3309 N. Nichols St.
Fort Worth, TX 550870
(682) 564-6140
nuemiruiz@yahoo.com

CIVIL COVER SHEET

Case 4:16-cv-00890-O-BP Document 1 Filed 09/26/16 Page 7 of 9 PageID 7

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Nuemi Ruiz

(b) County of Residence of First Listed Plaintiff Tarrant
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

GC Services, LP

County of Residence of First Listed Defendant Harris
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. § 227(b)(1)(A)(iii)

Brief description of cause:

Violations of the Telephone Consumer Protection Act (TCPA)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

9/22/16
FWO 27317
\$400

Nuemi Ruiz
3309 N Nichols St
Fort Worth, TX 76106

United States District Court
Northern District of Texas
Clerk's Office
501 West 10th Street, Room 310
Fort Worth, TX 76102-3673

Dear Clerk of the Court:

Enclosed please find the following for:

1. One (1) Original Complaint, one (1) copy for the Judge, and one (1) copy for return.
2. Four Hundred dollar (\$400.00) money order for the filing fee.
3. Three (3) Civil Cover Sheets
4. Three (3) Subpoena
5. Self-addressed envelope with postage for the return of documents.

Please file the documents accordingly.

I thank you for your attention to this matter.

If you have any questions, please do not hesitate to contact me at (682) 564-6140.

Thank You,

A handwritten signature in cursive script that reads "Nuemi Ruiz".

Nuemi Ruiz

N. Ruiz
3309 N. Nichols St.
Fort Worth, TX 76106

RECEIVED
NOTES
Ft WORTH DIVISION
2016 SEP 26 AM 11:06
CLERK OF COUR.

United States District Court
Northern District of Texas
Clerk's Office
501 West 10th Street, Room 310
Fort Worth, TX 76102-3673

NORTH PLAINS POST
OFFICE
SEP 24 2016
NOV 14 2016



U.S. POST/ \$2.4
FCM LG 1
76161
Date of sale
09/15/16
06 250
0831251